

REMARKS

The Final Office Action mailed October 25, 2010, considered and rejected claims 17-25 and 29. Claim 29 was rejected under 35 U.S.C. § 101 because computer-readable medium appears in the preamble. Claims 17-25 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Maurille et al., U.S. Patent No. 6,484,196 (filed Mar. 20, 1998) (hereinafter Maurille) in view of Baird et al., U.S. Patent No. 5,226,143 (filed Mar. 14, 1990) (hereinafter Baird).¹

By this response, claims 17, 18, and 22 are amended. Claims 17-25 and 29 remain pending. Claims 17, 22, and 29 are independent claims which remain at issue. Support for the amendments may be found, *inter alia*, within Specification ¶¶ 0025, 0032, and 0036.²

Rejections Under 35 U.S.C. § 101:

Claim 29 was rejected under 35 U.S.C. § 101 "because computer-readable medium appears in the preamble."³ The Office asserted that "[t]he broadest reasonable interpretation of . . . computer readable medium . . . typically covers . . . transitory propagating signals *per se*" and "[w]hen the . . . interpretation . . . covers a signal *per se*, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter."⁴

The Applicants respectfully disagree. Firstly, the claim does not recite "computer-readable medium." In contrast, the claim is explicitly directed toward a "computer-readable *storage* medium."⁵ The Applicants submit that a *storage* medium covers tangible articles of manufacture, such as, for example, RAM, ROM, magnetic discs, optical discs, CD-ROM, DVD-ROM, flash memory, etc., but does not encompass "transitory propagating signals *per se*" as asserted by the Office. By its very nature, a "transitory . . . signal" is not a *storage* medium –

¹ Office Communication p. 2 *et seq.* (paper no. 20101018, Oct. 25, 2010) ("Office Comm."). Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

² Please note that the paragraph numbers are taken from the published application, U.S. Pat. Pub. No. 2005/0198127 (Sep. 8, 2005). It should also be noted that the claims as recited take support from the entire Specification. As such, no particular part of the Specification should be considered separately from the entirety of the Specification.

³ Office Comm. p. 2.

⁴ Office Comm. p. 2.

⁵ Claim 29 (emphasis added).

precisely because the signal is transitory. Therefore, a "transitory . . . signal" should not be read into the interpretation of the claim which is explicitly limited to a "storage medium."

Accordingly, the Applicants submit that claim 29, which is directed toward a "computer-readable storage medium," is limited to tangible articles of manufacture and therefore comports with the requirements of 35 U.S.C. § 101. Accordingly, the Applicants respectfully request the rejection of claim 29 under 35 U.S.C. § 101 be withdrawn.

Rejections Under 35 U.S.C. § 112:

Claim 29 was rejected under 35 U.S.C. § 112 for having insufficient antecedent basis for "the linked" in line 12 of the claim.⁶ The Applicants respectfully point out that claim 29 does not contain the phrase "the linked" and does not have a line 12.⁷ Accordingly, the Applicants respectfully submit that there is no basis for this rejection of claim 29 and respectfully request the rejection be withdrawn.

Rejections Under 35 U.S.C. § 103:

Independent claims 17, 22, and 29 were rejected under 35 U.S.C. § 103 as being unpatentable in view of Maurille and in view of Baird.⁸ The independent claims have now been amended and the Applicants submit that the cited references fail to teach or suggest all the limitations of the independent claims as now recited.

Firstly, the Applicants note that in the previous office action, the Office conceded that "Maurille did not specifically disclose the lock preventing a disparate requestor from accessing the one or more messages; and providing exclusive serial access to the messages such that only one service can process related message at any time . . ."⁹

The Applicants agree with this assessment. However, in this current office action, the Office now asserts that Maurille does teach these limitations.¹⁰ The Office is inconsistent on this issue. As noted, the Applicants agree with the Office's previous concession that Maurille does not

⁶ Office Comm. p. 4.

⁷ See claim 29.

⁸ Office Comm. p. 4 *et seq.*

⁹ Office Communication p. 5 (paper no. 20100508, May 11, 2010) ("Previous OA").

¹⁰ Office Comm. p. 5.

disclose the lock preventing a disparate requestor from accessing the one or more messages, and that Maurille does not disclose providing exclusive serial access to the messages such that only one service can process related message at any time.

Further, as to claim 18, the cited references fail to teach or suggest storing the one or more messages in order. The cited references also fail to teach or suggest locking the conversation group, the lock preventing a disparate requestor from accessing the one or more messages linked by the unique group identifier. The cited references also fail to teach or suggest providing exclusive serial access to the messages linked by the unique group identifier such that only one service can process linked messages at any time and such that the messages are processed in order. The cited references also fail to teach or suggest while providing exclusive serial access to the messages linked by the unique group identifier, providing concurrent processing of one or more messages not linked by the unique group identifier.

Further, as to claim 22, the cited references also fail to teach or suggest locking the conversation group via the unique group identifier, the lock preventing a disparate requestor from accessing the one or more messages linked by the unique group identifier. The cited references also fail to teach or suggest providing exclusive serial access to one or more messages of the conversation group identified by the unique group identifier to the requestor such that the messages are processed in order. The cited references also fail to teach or suggest while providing exclusive serial access to the one or more messages of the conversation group, providing concurrent processing of one or more messages not linked by the unique group identifier.

Because of at least the distinctions noted, *inter alia*, the Applicants submit that rejections of independent claims 17, 22, and 29 under 35 U.S.C. § 103 as being unpatentable in view of Maurille and in view of Baird would be improper and should be withdrawn. Accordingly, the Applicants respectfully request favorable reconsideration of each of independent claims 17, 22, and 29 as now presented (as well as the respective dependent claims).

In view of the foregoing, Applicant respectfully submits that other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending

application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

The Commissioner is hereby authorized to charge payment of any of the following fees that may be applicable to this communication, or credit any overpayment, to Deposit Account No. 23-3178: (1) any filing fees required under 37 CFR § 1.16; and/or (2) any patent application and reexamination processing fees under 37 CFR § 1.17; and/or (3) any post issuance fees under 37 CFR § 1.20. In addition, if any additional extension of time is required, which has not otherwise been requested, please consider this a petition therefore and charge any additional fees that may be required to Deposit Account No. 23-3178.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at (801) 533-9800.

Dated this 25th day of January, 2011.

Respectfully submitted,



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